

REMARKS

Claims 1-20 remain pending in this application. Each of the pending claims is believed to define an invention that is novel and unobvious over the cited references. Favorable reconsideration of this case is respectfully requested.

Claims 1-20 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite. Independent claim 1 has been amended to correct the informalities noted by the Examiner. In view of these amendments, it is respectfully submitted that all pending claims are now in all aspects in compliance with 35 U.S.C. 112, second paragraph. Therefore, the withdrawal of this rejection is respectfully requested.

Claims 1-4, 9-15, 16, 17, 19 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number D360582 to McDonald et al. in view of U.S. Patent Number 5,238,129 to Ota. Neither McDonald nor Ota teach or suggest a vacuum panel having ribs with rounded edges projecting both inwardly and outwardly with respect to the container sidewall as is now recited in the amended claims.

Independent claim 1 now recites that a plurality of ribs are within a vacuum panel. The plurality of ribs each have either a outwardly projecting rounded edge or an inwardly projecting rounded edge, relative to a space defined by sidewalls of the container. At least one of the ribs has an inwardly facing rounded edge and at least one of the ribs has an outwardly facing rounded edge. For example, as is shown in Figure 2B, rib 12 has an inwardly facing rounded edge and rib 13 has an outwardly facing rounded edge. The inward and outward facing edges project from a space defined by a sidewall.

In comparison, neither McDonald et al. or Ota disclose, teach or suggest a panel including a plurality of ribs wherein at least one of the ribs has an outwardly projecting rounded edge and at least one of the ribs has an inwardly projecting rounded edge. All of the alleged ribs shown in Ota and McDonald et al. are facing the same direction.

Accordingly, it is clear that the cited references fail to fairly teach or suggest the claimed invention. Therefore, the withdrawal of this rejection is respectfully requested.

Claims 1-4, 9-15, 16, 17, 19 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald further in view of Arvidson et al.

McDonald has been discussed above. Arvidson et al. does not disclose an inwardly projecting rounded edge and an outwardly projecting rounded edge with respect to a space defined by the sidewall as is recited in the present claims. As is shown in Figure 9 of Arvidson, each of the rib formations 32 project inwardly with respect to the front wall 12. Please see column 2, lines 59-66 of Arvidson. Arvidson makes no mention of a plurality of ribs including at least one rib that projects inwardly and at least one rib that projects outwardly with respect to the container sidewall.

In view of the above, it is clear that the cited reference has failed to teach or suggest the claimed invention. Therefore, the withdrawal of this rejection is respectfully requested.

Claims 1-4 and 10-14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Ota or in the alternative in view of Ota combined with U.S. Patent Number 4,863,046 to Collette et al.

As described above, Ota does not teach or suggest a panel including at least one rib having an inwardly projecting rounded edge and at least rib having inwardly projecting rounded edge. Collette et al. does not supplement Ota to teach or suggest this feature. All of the alleged ribs shown in Ota and Collette et al. are facing the same direction.

Consequently, even if these references were combinable they would not result in the present invention. Therefore, the withdrawal of this rejection is respectfully requested.

Claims 1-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ota in view of U.S. Patent Number 5,381,910 to Sugiura et al. The cited references do not render the claimed invention obvious as they fail to teach or suggest a panel including at least one rib having

an inwardly projecting rounded edge and at least one rib having an outwardly projecting rounded edge as is recited in the amended claims.

As noted above, Ota does not disclose, teach, or suggest at least one rib having an inwardly facing rounded edge and at least one rib having an outwardly facing rounded edge. Sugiura et al. does not supplement Ota to teach or suggest this feature. Sugiura et al. describes a number of ribs 21 extending parallel to each other that are transversely formed on the panel wall 8, as is shown in Figure 6 of Sugiura et al. The ribs 21 define crests 22 and roots 23. The ridgeline of the crest of each of the ribs 21 is set to the same height as that of the inner peripheral edge of the deformed peripheral groove 9 (see col. 10, lines 24-40). Accordingly, none of the crests 22 extend inwardly with respect to flat walls 6, panel wall 8, or sidewall 9. This can clearly be seen in Figure 5 of Sugiura. The crest 21, and roots 23 are simply the parts of the same rib, and not separate ribs, at least one having an inwardly facing rounded edge and at least one having an outwardly facing rounded edge.

Both independent claim 1 and 15 now recite that the rounded edge of the rib is outwardly or inwardly projecting with respect to the sidewalls. For example, as can be seen in Figure 2B of the application, the rounded edges of ribs 12 and 13 project inwardly and outwardly, respective, relatively to the container sidewall. This feature is also shown in Figure 6B of the present application. In the embodiment depicted in Figure 6B, the inwardly projecting ribs has a depth of about 2.1 mm and the outward facing rib has a height of 1.5 mm relative to the container sidewall. Both Figures 2B and 6B clear show that the inwardly facing rounded edge extends into the container beyond the container sidewall, as is recited by the claims. This is opposite what is taught and suggested in Sugiura et al., where none of the ribs have a rounded edge that is inwardly facing.

In view of the above, it is clear that the cited references fail to teach or suggest the claimed invention, therefore, the withdrawal of this rejection is respectfully requested.

Claims 1-11 and 13-20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Arvidson et al. As discussed above, Arvidson does not disclose both inwardly and outwardly

projecting rounded edges of the ribs as is recited in the amended claims. Each of the ribs in Arvidson et al., as shown in Figure 9, are inward of the container sidewall 12. Therefore, Arvidson et al. does not disclose each and every element recited in the claims as is required by 35 U.S.C. 102. Therefore, the withdrawal of this rejection is respectfully requested.

Claim 12 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Arvidson in view of Ota. Claim 12 depends from independent claim 1 and is patentable over Ota and Arvidson for at least the reasons discussed above regarding independent claim 1. Therefore, the withdrawal of this rejection is respectfully requested.

If the Examiner is of the opinion that the prosecution of this application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arranged for such an interview.

The Commissioner is authorized to charge any fee necessitated by this Amendment to our Deposit Account No. 22-0261.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

Jeffri A. Kaminski

Registration No.: 42,709

Keith G. Haddaway, Ph.D.

Registration No.: 46,180

VENABLE LLP

P.O. Box 34385

Washington, DC 20043-9998

(202) 344-4000

(202) 344-8300 (Fax)

Attorney/Agent For Applicant